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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 \$821,949.41 and TWO SEIZED  
15 VEHICLES,

16 Defendants.  
17

C

02

5544

EDL

COMPLAINT FOR FORFEITURE

18 In this in rem forfeiture action, the United States alleges:

19 1. This Court has jurisdiction under Title 28, United States Code, Sections 1345 and 1355  
20 and Title 18 United States Code Section 981.

21 2. The in rem defendant property is described as:

- 22 A. \$533,305.55 seized from accounts at Affinity Bank, San  
23 Francisco, California on July 2, 2002, pursuant to Seizure  
24 Warrant No. 3-02-30202 MEJ. A copy of the seizure warrant  
25 is attached hereto as Exhibit A.  
26 B. \$42,943.45 seized from accounts at Wells Fargo Bank, San  
27 Francisco on July 2, 2002, pursuant to Seizure Warrant No. 3-  
28 02-30203 MEJ. A copy of the warrant is attached hereto as  
Exhibit B.  
C. \$245,700.41 seized from account at Bank of America, San  
Francisco on July 2, 2002 and September 23, 2002, pursuant to  
Seizure Warrant No. 3-02-30201 MEJ. A copy of the warrant  
is attached hereto as Exhibit C.



1 D. 2000 Monaco Trailer bearing Arizona license plate K48035  
2 and 1997 Ford Van bearing Oregon license plate YRU887,  
3 seized at San Leandro, California on July 30, 2002, pursuant to  
4 Seizure Warrant No. 4-02-145 WDB, a copy of which is  
5 attached hereto as Exhibit D.

6 3. From a presently unknown date in the mid 1990s until they were arrested on June 14,  
7 2002 in San Leandro, California, Anthony Davenport (a/k/a Andrew Peter Baguley), John Hay  
8 (a/k/a Charles R. Provine) and Linda Broderick (a/k/a Julie Carter) participated in a scheme to  
9 defraud retail merchants including Home Depot stores, in the Northern District of California,  
10 elsewhere in California, and in 23 other states.

11 4. The subjects printed and used computer technology to manufacture fraudulent bar code  
12 pricing labels or stickers. The labels reflected a price significantly lower than the actual price of  
13 the product. They travelled from state to state, going into Home Depot stores, posing as  
14 legitimate customers. Once inside a store, they would select high priced items, attach the  
15 fraudulent lower price labels to them and thereby purchase the merchandise at the lower prices.  
16 After leaving the store, they would remove the fraudulent price labels and later return the  
17 merchandise to a Home Depot store and receive refunds based upon the higher, true price of the  
18 merchandise.

19 5. Before mid-November, 2001, the subjects would receive refunds in cash. Thereafter,  
20 because of a change in Home Depot's return policy, when merchandise was returned (without  
21 receipts), they received refunds in the form of store credit cards.

22 6. The scheme went undetected until June, 2002. Home Depot security was notified of an  
23 individual in Mesquite, Texas who was building a large home, using quantities of store credit  
24 cards. That person eventually identified Anthony Davenport as the seller of the credit cards.

25 7. On June 12, 2002, a Home Depot security employee observed Davenport at a store in  
26 Milpitas, California, attempting to return merchandise. The employee recognized him from an  
27 incident three years earlier when Davenport was caught altering pricing labels. In the earlier  
28 incident, Davenport, using the Andrew Peter Baguley alias, was arrested, prosecuted and  
convicted of petty theft of merchandise, in South San Francisco, California. After observing  
Davenport in June, 2002, Home Depot security determined that Davenport, Hay and Broderick



1 were living at a trailer park in San Leandro. It was later determined that Davenport had offered  
2 to sell the trailer park owner Home Depot store credit cards valued at \$5,000, at a discounted  
3 price.

4 8. On June 13, 2002, at the Home Depot store in San Leandro, California, Davenport and  
5 Hay were arrested. Broderick was arrested at the trailer park. Broderick and Davenport initially  
6 gave false names, dates of birth and social security numbers to the arresting officers. When the  
7 car (a black Subaru) Davenport and Hay had driven to the Home Depot store was subsequently  
8 searched, officers found numerous Home Depot receipts, a faucet, bank statements, several  
9 hundred bar codes printed on sheets of white label stickers, multiple packages of blank label  
10 stickers and photocopies of bar codes. The hundreds of bar codes found in their car included  
11 codes for the following products sold at Home Depot: a \$64.97 faucet, a \$46.97 faucet, a \$54  
12 light kit, a \$38 faucet and a \$54.97 faucet. Broderick's wallet, found in the Subaru, contained a  
13 Home Depot receipt for a purchase made in East Palo Alto on June 11, 2002, of items  
14 subsequently returned.

15 9. During a search of the trailer and van found at the trailer park, officers discovered  
16 computer equipment including, a photo quality printer, a laptop computer with power cord, and a  
17 hand held photo scanner. They also found UPC codes, maps to various Home Depot stores in  
18 Arizona and Texas, Home Depot receipts, Home Depot gift cards, \$1,866 in cash, handwritten  
19 notes with bank account numbers, various bank business cards, cashier's check receipts, foreign  
20 banking information, Wells Fargo Bank documents, Bank of America documents, Downey  
21 Savings documents, eight passport-style photographs of Hay, one passport-style photo of  
22 Davenport and two of Broderick, credit cards in the name of Anthony Davenport, and Wells  
23 Fargo Bank ATM cards under the names Julie Carter and Andrew Baguley.

24 10. Their black Subaru is registered in Utah; the trailer is registered in Arizona; and, the van  
25 is registered in Oregon.

26 11. After he was arrested, Hay told officers that he or Davenport would enter stores with pre-  
27 cut price code stickers and place them over the actual price marks. The items would then be  
28 purchased at the lower prices and after leaving a store, the false price codes would be removed.



1 Later, items would be returned at different Home Depot stores for full value. Hay said that they  
2 would use passports or drivers licenses for identification, often providing different variations of  
3 the same passport number or one of their many drivers licenses. He said that on some occasions  
4 they would indicate to Home Depot employees that they had forgotten their identification and  
5 would verbally give a fictitious license number. He said that they would sell refunded gift cards  
6 for less than their actual value and pocket the proceeds. Before the Home Depot policy change,  
7 he admitted receiving cash refunds.

8 12. Hay also told Detective Pickard of the San Leandro Police Department that he originally  
9 tried to copy the price codes using a computer but had difficulty and eventually resorted to  
10 making copies of the price codes at various printing stores.

11 13. Hay said that the true names of his associates were Anthony Davenport and Linda  
12 Broderick. He stated that Broderick never went inside Home Depot, but that she knew about the  
13 scam and helped Davenport handle the proceeds of it.

14 14. Hay informed he has been friends with Davenport and Broderick for years. He said he  
15 began participating in the fraudulent activities at Home Depot a year ago. However, he said the  
16 Home Depot scam had been going on for "a long time" prior to his involvement.

17 15. The following forms of identification were found during the searches of the vehicles and  
18 the defendants:

19 Anthony Davenport – date of birth, September 27, 1944

- 20 a. United Kingdom of Great Britain and Northern Ireland  
21 Passport issued November 2, 1993, Number  
22 0114903376GBR5511019M0311029 in the name of Andrew  
23 Peter Baguley, DOB 11/1/55.
- 24 b. International Driving Permit issued at Heathrow, Florida  
25 7/26/2001, Number 67969635 in the name of Andrew Baguley,  
26 DOB 11/1/55.
- 27 c. Irish passport (number unknown) issued in San Francisco, in  
28 the name of Anthony Thomas Davenport, DOB 9/27/44,  
Sasana England.
- d. Visa Classic Credit Card in the name of Anthony Davenport.
- e. California Identification Card No. B5220403 in the name of  
Andrew Peter Baguley, DOB 11/1/55, 2532 Lincoln Boulevard,  
Apartment 116, Venice, California.



- 1 f. California Driver License No. B5220403 in the name of  
2 Andrew Peter Baguley, DOB 11/1/55, 25252 Redlands  
3 Boulevard, Loma Linda, California.  
4 g. California Driver License No. B5220403 in the name of  
5 Andrew Peter Baguley, DOB 11/1/55, 587 North Ventury Park  
6 Road, Number 311, Newbury Park, California.  
7 g. Nevada Driver License No. 1901638356 issued 4/22/02 in the  
8 name of Andrew Peter Baguley, DOB 11/1/55, 2253 Las Vegas  
9 Boulevard, Number 102, Las Vegas, Nevada.  
10 h. Florida Driver License No. B240-015-55-401-0 issued 1/25/00  
11 in the name of Andrew Peter Baguley, DOB 11/1/55, 11517 SR  
12 52 Lot#48, Hudson, Florida.

13 John Hay - date of birth, November 11, 1946

- 14 a. United Kingdom of Great Britain and Northern Ireland  
15 Passport issued 8/31/2000 Number 702966209 in the name of  
16 John P. Hay, DOB 11/11/46.  
17 b. United Kingdom of Great Britain and Northern Ireland  
18 Passport issued 1/10/2001 Number 0403305513 in the name of  
19 Charles Provine, DOB 11/11/46.  
20 c. California Driver License Number B4828913 in the name of  
21 John Patrick Hay, DOB 11/11/46, 1615 West Redlands  
22 Boulevard, Number A151, Redlands, California.  
23 d. Florida Driver License issued 1/10/2002 Number H000-475-  
24 46-411-0 in the name of John Patrick Hay, DOB 11/11/46,  
25 6434 US 19, New Port Richey, Florida.

26 Linda Broderick - date of birth, April 6, 1953

- 27 a. Irish Passport Number S150309 issued 12/18/2000 in the name  
28 of Linda Broderick, DOB 4/6/53.  
b. California Identification Card Number B4285773 in the name  
of Julie Marie Carter, DOB 6/8/58, 1615 West Redlands  
Boulevard, Apartment 151, Redlands, California.  
c. California Driver License Number B4285773 in the name of  
Julie Marie Carter, DOB 6/8/58, 1615 West Redlands  
Boulevard, Apartment 151, Redlands, California.  
d. California Driver License Number B4285773 in the name of  
Julie Marie Carter, DOB 6/8/58, 587 North Ventu Park Road,  
Number 311, Newbury Park, California.  
e. Florida Driver License issued 1/27/2000 Number C636-433-  
58-708-0 in the name of Julie Marie Carter, DOB 6/8/58,  
11517SR 52, Number 82, Hudson, Florida.



1 18. Davenport, Hay and Broderick are Irish nationals, illegally in the United States.  
2 Davenport entered the United States in June, 1996 and was only permitted to stay for 90 days.  
3 Broderick entered the United States in 1992 and was only permitted to stay 90 days. Hay was  
4 once deported from the United States in September of 2000, following a felony conviction.

5 19. In addition to the aliases mentioned in Paragraph 3 above, Davenport has used the  
6 following names: Kenrick Bailey, Frederick Bradbury and John Thomas. Broderick has used the  
7 names: Ingrid Bacon, Lynne Broderick, Lynn Davenport, Ingrid Purse, Lynn Ryder and Vanda  
8 Lynn Davenport.

9 20. Davenport, Hay and Broderick have provided false social security numbers including the  
10 following, in furtherance of their scheme.

11	<u>Davenport</u>	602-58-1979
12		602-18-1909
		602-58-1902
13		619-58-1903
		619-58-7901
14		619-68-7901
15	<u>Hay</u>	618-66-0040
		619-58-1903
16	<u>Broderick</u>	624-58-2774
17		619-58-4009

18 21. Anthony Davenport and Linda Broderick have held bank accounts in the United States  
19 under their alias names. Some funds from these accounts were transferred to the Bank of Ireland.

20 22. The subjects are presently charged in Alameda County Superior Court with multiple  
21 felony offenses of Commercial Burglary in violation of Section 459 of the California Penal Code.

22 23. Davenport and Hay have extensive criminal records for theft and fraud offenses in the  
23 United States and in Ireland or the United Kingdom. Broderick, under the name Vanda Lynn  
24 Davenport, was convicted of misdemeanor theft offenses in San Diego, California in October of  
25 1994. She has also been convicted of fraud in Ireland or in the United Kingdom.

26 24. The fraud scheme has continued for several years. Davenport and Broderick, joined by  
27 Hay, moved from location to location, staying a few weeks at each place before moving on.

28 ///



1 Their scheme covered 24 states, involving at least 200 stores and hundreds of fraudulent  
2 transactions. Although the total loss suffered by Home Depot has not yet been firmly  
3 established, it is presently estimated to exceed \$650,000. During an approximate one year period  
4 beginning in April, 2001, it was determined that the group's profit from this scheme exceeded  
5 \$45,000 per month.

6 25. The investigation by the San Leandro Police Department and the FBI has uncovered no  
7 legitimate source of income for Davenport, Hay or Broderick. Davenport and Broderick have  
8 claimed to be "retired." When arrested, Davenport and Broderick provided a business address as  
9 "Gypsy Gems", 2399 E. 14<sup>th</sup> Street, #190, San Leandro, California (the trailer park). Davenport  
10 and Hay each has claimed to be employed as a salesman or handyman. In 1999, Davenport stated  
11 he was a retired construction worker.

12 26. According to a Senior Systems Engineer at Home Depot, the corporate headquarters is in  
13 Atlanta, Georgia. All Home Depot store computers are connected to the corporate headquarters  
14 host computer server in Atlanta via a dedicated "T-1" line described as a fast-wire network wire  
15 connection. At the time of a non-receipted Home Depot customer return, information about the  
16 return, store credit gift cards, and a customers identification number are immediately transmitted  
17 to the computer servers at Home Depot corporate headquarters.

18 27. The funds described in Paragraph 2 above were involved in and are traceable to illegal  
19 money laundering transactions and attempted transactions in violation of 18 U.S.C. § 1956(a)(1)  
20 and (2). They also constitute and are derived from proceeds traceable to violations of 18 U.S.C.  
21 §1343 (Fraud by Wire), 18 U.S.C. § 2314 (Interstate Transportation of Stolen Property), 18  
22 U.S.C. § 2315 (Possession of Stolen Property), and 18 U.S.C. § 1005 (False Bank Entries or  
23 Transactions). Therefore, the \$821,941.41 is subject to forfeiture pursuant to 18 U.S.C. §  
24 981(a)(1)(A) and (a)(1)(C).

25 28. The vehicles described in Paragraph 2 above were involved in and traceable to illegal  
26 money laundering transactions in violation of 18 U.S.C. § 1956(a)(1) and (2). They also  
27 constitute and are derived from proceeds traceable to violations of 18 U.S.C. §1343 (Fraud by  
28 Wire), 18 U.S.C. § 2314 (Interstate Transportation of Stolen Property), 18 U.S.C. § 2315  
(Possession of Stolen Property) and 18 U.S.C. § 1005 (False Bank Entries or Transactions).



1 Therefore, the Monaco Trailer and the Ford Van are also subject to forfeiture pursuant to in 18  
2 U.S.C. § 981(a)(1)(A) and (a)(1)(C).

3 Plaintiff requests that due process issue to enforce the forfeiture of the defendant funds and  
4 vehicles, that due notice be given to all interested parties to appear and show cause why the  
5 forfeiture should not be decreed, that judgment of forfeiture be entered against said funds and  
6 vehicles. and that Plaintiff be awarded such other relief as may be proper and just.

7 Dated: 11/20/02

Respectfully submitted,



ROBERT D. WARD  
Assistant United States Attorney